

**CAUSE NO: 5121**

**Javier Diaz, Child  
DOB March 1, 1999**

**27<sup>th</sup> DISTRICT COURT OF  
Hopewood COUNTY, MOCK STATE**

## **Report to the Court**

**November 24, 2014**

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### **Case Summary**

The child, Javier Diaz, age 15, first came to the attention of the Hopewood Department of Child and Family Services on September 15, 2014, when his younger sister, Maria, called 911. Javier's guardian (also maternal uncle by marriage), Mr. Manuel Gomez, had struck Javier in the face with a closed fist during an argument and injured his eye. Mr. Gomez felt that Javier was showing homosexual behavior and became angry because Javier told them he would no longer attend therapy Mr. and Ms. (Lisa) Gomez had arranged that would "fix" him. Javier also wanted to go out with his friends, but was forbidden by his uncle. When Javier tried to leave the home anyway, he was struck and injured by Mr. Gomez; his wound was bleeding. Ms. Gomez asked her husband to stop hitting Javier, but did not try to intervene to protect Javier. Maria was afraid her uncle would hurt Javier more, so called 911 at that point. Police responded to the address right away and, on assessing the situation, decided that CPS should be called.

When I arrived at the home a short time later, I was met by Police Officer Gary Ridgefield. After brief discussions with Mr. and Ms. Gomez, Javier, and his sister Maria, Officer Ridgefield, Ms. Gomez, and I took Javier to urgent care for treatment for his injury. He was treated and medication prescribed, and we returned to the home. Mr. Gomez was calm at this point, so Officer Ridgefield left. Mr. and Ms. Gomez said they had been very disturbed of late by Javier's display of what they believed to be homosexual behavior. They stated that the incident tonight is the first time Mr. Gomez has injured Javier. Ms. Gomez said she did not try to protect Javier because she felt he "brought it on himself" with his behavior. I spoke with Javier alone. He verified that he had been struck before by Mr. Gomez, but this was the first time he had been injured. He expressed his fear of being injured again if he remained in the home. I completed a risk/safety assessment, and it showed Javier to be unsafe in the home. Mr. and Ms. Gomez requested Javier's removal. The CPS administrator on call, Sarah McCall, was contacted and gave me permission to remove Javier on an emergency basis.

The biological parents of Javier, Rosa and Jonathan Diaz, have struggled with substance abuse on and off for many years. In 2005, Mr. and Ms. Gomez obtained guardianship of Javier and his sister at ages 6 and 4; thus, the two children have been in the home for 9 years. Collateral contacts stated that Mr. and Ms. Gomez were good parents to Javier up until the time that he began having struggles with his sexuality. The guardians have become very upset with Javier because of what they believe to be his homosexual tendencies.

I recently visited with Rosa and Jonathan Diaz, Javier's biological parents. They continue to struggle off and on with recovery from long-term substance abuse; Ms. Diaz has just completed court-ordered rehabilitation, and Mr. Diaz is employed only sporadically as a bricklayer. There is occasional telephone contact between them and Javier. They want to stay in contact with their son, but feel they are not a suitable placement for him at this time.

Mr. and Ms. Gomez, guardians, completed psychosocial assessments on 10-17-14. Manuel Gomez feels he had a "normal" childhood. His parents divorced when he was 10 years old, and, from that point on, he

was raised by his mother. His father stayed in his life and paid child support off and on, but the family had a hard time financially. He began working as a sacker at a grocery store when he was 14 and has worked continually since that time. He finished high school and has worked most of his adult life as an auto mechanic, which is his current occupation.

Mr. Gomez said he used alcohol a lot as a teenager and young man and frequently got into fights. He rarely drinks now because it "gets [me] in trouble." Mr. Gomez had a brief marriage that ended in divorce before he married Ms. Gomez at age 23. He feels he and Ms. Gomez have a good marriage, and he can count on her to provide emotional support. He has one brother, and he and his wife are close to their extended families. They have fairly frequent get-togethers. Mr. Gomez has recently been diagnosed with rheumatoid arthritis and worries that he may eventually be unable to do his job. Regarding parenting, he feels he's been a good parent to Javier and his sister, although he said he's "old-fashioned" and has been strict with them and sometimes "loses it" with Javier. He has no tolerance level for Javier's "homosexual tendencies." He'd like to have Javier back in the home, but only if he's "normal." He said Javier doesn't appreciate what he and his wife have given him. They've struggled financially to provide for two children, and it has been particularly hard now that the children have become teenagers. They have no biological children of their own.

The assessment revealed that Mr. Gomez, while being seen overall as emotionally stable, has been under frequent stress from worry about health issues and finances the past 2-3 years. He has a somewhat volatile temper and has occasional anger explosions. These are usually confined to the home, with Javier being the target. Mr. Gomez is conservative in his beliefs and describes being "revolted" by the homosexual behaviors he feels Javier is displaying. He admitted he struck Javier with his fist and injured him. He wishes the incident hadn't happened, but he avoids responsibility by verbalizing that Javier "brought it on himself." He would benefit from anger management services in a group setting with others who have issues with anger. He could also benefit from parenting training, particularly if he could be educated about and learn to be more tolerant of those who have alternative sexual orientations.

Lisa Gomez had a traditional upbringing, being close to her parents and her sister growing up. She has a high school education and worked part time outside the home as a receptionist until she and her husband took guardianship of Javier and his sister. Ms. Gomez views herself as very religious and feels that she draws a lot of strength from her religious beliefs and practices. She feels she has a good marriage, is close to Maria and views her like a daughter, and had a good relationship with Javier until "all this trouble." Ms. Gomez said that she was dismayed when her husband hit and injured Javier. She felt that the incident would not have occurred, though, if Javier hadn't been "acting gay." She didn't try to intervene because "when he [her husband] gets mad, I stay out of his way" and because she felt Javier "deserved the punishment." She wishes the incident hadn't occurred, even though she feels that it's best that Javier is now out of the home.

The assessment revealed that Ms. Gomez is a capable, caring person, but she has rigid, strict beliefs about child rearing. She does not understand that, because she didn't try to protect Javier, she bears some responsibility for his injury. She does not view the incident as abuse and feels that Javier provoked her husband. Like Mr. Gomez, Ms. Gomez could benefit from parent training that includes a component focused on being more accepting and tolerant of individuals with differing sexual orientations.

Javier, subject child, had a mental/behavioral health assessment by a psychiatrist on 10-8-14. He was diagnosed with mild depression, for which he was prescribed Prozac. The doctor also recommended that Javier have therapy to help him deal with feelings of rejection, come to terms with his sexuality, and adjust to being out of the Gomez home.

## **Reason for Continued Custody**

The psychiatric assessment of Javier, along with the psychosocial assessments of the guardians, indicate that services will be beneficial to all parties before reunification is attempted. Parent training has been recommended for the guardians, which should help them have insight into and understanding of differing sexual orientations and help them take responsibility for the injury the child suffered. Anger management services should help Mr. Gomez to deal with Javier in a more constructive manner when there is conflict. Until these services take place, the child's safety in the home cannot be ensured.

## **Child's Perception of Situation**

Javier is saddened by having had to leave the home, but understands that changes need to be made before he can be safely reunified.

## **Child's Information**

### **Physical Health**

Javier has had a complete physical exam and was found to be in good health overall. The injury he sustained at the hands of his guardian uncle has completely healed. He has also had a dental exam and teeth cleaning.

### **Mental/Behavioral Health**

Javier continues to take Prozac for mild depression, with medication being monitored quarterly by the prescribing physician. Javier was also diagnosed with oppositional defiant disorder, but his foster mother has been able to deal fairly easily with any oppositional behaviors. Javier has therapy on a weekly basis and is felt to be making progress.

### **Education**

Javier is in the 10<sup>th</sup> grade at Mason High School, is a B and C student, and seems to enjoy school. He has been able to remain in the same high school he previously attended.

### **Social/Emotional Development**

Javier is generally viewed positively by his teachers and classmates. He has a group of friends of both sexes, most of whom share his interest in drama. He is involved in a community drama group, which is a very meaningful activity for him. Javier currently is struggling with some sexuality issues as he identifies with—and is coping with reactions to—being homosexual.

## **Placement**

### **Relative Exploration**

Identifying information on possible relative resources was obtained from Mr. and Ms. Gomez. The following were contacted and explored as placement resources within days of Javier's removal: Lana Trujillo, sister to Ms. Gomez; Gloria Esteban, Mr. Gomez's aunt; Susanna Cardenas, Ms. Gomez's mother; and Jon Maynard, Mr. Gomez's brother. All stated their wish to remain in contact with Javier, but, for various reasons, none considered himself/herself to be a placement option for Javier. Mr. and Ms. Gomez have stated that they have a small extended family, and there are no more adult relatives to be contacted.

## **Fictive Kin as Placement Resource**

Upon being removed from his home, Javier said he would like to stay with a family friend, Juanita Lopez, who is the aunt of his friend Oliver. She was contacted, and said she would be willing to have Javier stay with her for a time. Ms. Lopez was immediately provisionally licensed as a foster home, and Javier was placed with her the night he was removed. He has made a good adjustment to this home, and Ms. Lopez has been committed to him.

Ms. Lopez began participating in foster parent training classes to enable her to be fully licensed, but has recently advised that she is moving across the state soon to accept a job promotion. She would be willing to have Javier move with her, but he does not want to leave the city. Another foster home placement is being sought for Javier, with the goal of moving him by 11-28-14.

## **Risk and Safety Assessment**

Safety threats include:

- 1) Mr. Gomez, guardian and primary caregiver, caused an injury to Javier during an altercation over Javier's sexual orientation. The injury (black eye and small cut) required medical attention.
- 2) Mr. Gomez lost control and struck Javier as a form of controlling him. Mr. Gomez currently lacks the knowledge of more appropriate ways to deal with Javier when there are disagreements.
- 3) Mr. Gomez has refused to accept responsibility for injuring Javier saying that Javier "brought it upon himself."
- 4) Ms. Gomez, guardian and primary caregiver, did not intervene to protect Javier saying that Javier provoked her husband. She has not demonstrated the capacity to keep Javier safe.

## **Permanency Plan**

The current permanency plan is reunification with Mr. and Ms. Gomez.

Respectfully submitted,

Vanessa Thomas  
Vanessa Thomas, Foster Care Worker

11-24-14  
Date: 11-24-14

Approved:

Robin White  
Robin White, Foster Care Supervisor

11-24-14  
Date: 11-24-14